

15.122 Rural electric cooperatives and municipal utilities — historic properties — archeological site surveys.

1. The state historic preservation officer shall only recommend that a rural electric cooperative or a municipal utility constructing electric distribution and transmission facilities for which it is receiving federal funding conduct an archeological site survey of its proposed route when, based upon a review of existing information on historic properties within the area of potential effects of the construction, the state historic preservation officer has determined that a historic property, as defined by the federal National Historic Preservation Act of 1966, Pub. L. No. 89-665, as amended and codified at 16 U.S.C. §470 et seq., is likely to exist within the proposed route.

2. The state historic preservation officer shall not require a level of archeological identification effort which is greater than the reasonable and good faith effort required by the federal agency. Such effort shall reflect the public interest and shall take into account the likelihood and magnitude of potential impacts to historic properties and project costs.

[2011 Acts, ch 4, §2, 3](#); [2011 Acts, ch 131, §92, 102](#)

CS2011, §303.18

[2018 Acts, ch 1026, §107](#); [2023 Acts, ch 19, §2129](#)

C2024, §15.122

Referred to in [§15.121](#)

Section transferred from §303.18 in Code 2024 pursuant to directive in 2023 Acts, ch 19, §2129